REMARKS

I. Introduction

In response to the pending Office Action, Applicants have cancelled claims 80-81 and added new claims 107 and 108 in order to further clarify the subject matter of the present invention. Support for new claims 107 and 108 may be found, for example, in original claim 80 and on pages 26-27 of the specification. In addition, Applicants have amended the specification to include a description of each figure of drawings 10A-F, 11A-F, 12A-F, 13A-F, 14A-F and 15A-F and have amended the Abstract to sufficiently describe the subject matter of new claims 107 and 108. No new matter has been added.

Applicants respectfully submit that contrary to the Examiner's allegation, the election of Species 8 (claim 80) was made ***with traverse***, as was clearly stated in the reply of October 4, 2006. The errors in the restriction requirement had previously been pointed out in the reply of August 21, 2006 in response to the first restriction requirement.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

II. The Rejection Of Claim 80 Under 35 U.S.C. § 102

Claim 80 was rejected under 35 U.S.C. § 102(b) as being anticipated by JP 06-333586, JP 2002-208421, and Dine et al. (US 2002/0098393). As claim 80 has been cancelled, this rejection is moot. However, as new claims 107 and 108 are based on the subject matter of claim 80, Applicants will address the rejection of claim 80 in the support of the allowability of new claims 107 and 108.

With regard to the present invention, new claim 107 recites a method for operating a fuel cell comprising an electrolyte, an anode and a cathode sandwiching the electrolyte, and one pair of separator plates each having a gas flow path for feeding and discharging a fuel gas to the anode and for feeding and discharging a fuel gas to the anode and for feeding and discharging an oxygen-containing gas to the cathode, the method comprising a step of carrying out a restoring operation ***by supplying a hydrocarbon gas to the cathode*** to decrease a voltage of the cathode, after terminating operation of the fuel cell. Similarly, claim 108 recites a method which comprises a step of carrying out a restoring operation ***by supplying water to the cathode*** to decrease a voltage of the cathode, after terminating operation of the fuel cell.

In the rejection of claim 80, the Examiner alleged that each of JP 06-333586, JP 2002-208421 and Dine disclose a method of operating a fuel cell comprising a step of carrying out a restoring operation by decreasing a voltage of the cathode, after terminating operation of the fuel cell. However, none of the cited prior art references discloses that the method either involves supplying a hydrocarbon gas to the cathode to decrease a voltage of the cathode or supplying water to the cathode to decrease a voltage of the cathode. As such, neither JP 06-333586, JP 2002-208421 nor Dine anticipate the new claims 107 and 108.

As a consequence of claims 107 and 108, the restoring operation of the present invention is capable of inhibiting oxidization of a catalyst surface and accumulation of pollutants thereon.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, JP 06-333586, JP 2002-208421 and Dine do not disclose a method for operating a fuel

cell comprising an electrolyte, an anode and a cathode sandwiching the electrolyte, and one pair of separator plates each having a gas flow path for feeding and discharging a fuel gas to the anode and for feeding and discharging a fuel gas to the anode and for feeding and discharging an oxygen-containing gas to the cathode, the method comprising a step of carrying out a restoring operation by supplying a hydrocarbon gas or water to the cathode to decrease a voltage of the cathode, after terminating operation of the fuel cell, it is clear that JP 06-333586, JP 2002-208421 and Dine does not anticipate new claims 107 and 108 of the present invention.

III. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
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